



MARITIME SAFETY COMMITTEE  
46th session  
Agenda item 19

IMCO

DRAFT REPORT OF THE MARITIME SAFETY COMMITTEE  
ON ITS FORTY-SIXTH SESSION  
(continued)

8. REVIEW OF THE WORK PROGRAMME

Establishment of the Sub-Committee on Stability and Load Lines and  
on Fishing Vessels Safety

- / 8.1 The Committee agreed with the proposal for the new Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) which should continue with its work at its twenty-eighth session, as outlined in MSC 46/8/2.
- / 8.2 The Committee noted that the two sub-committees had elected Mr. E. Middleton (United States) as Chairman for the new sub-committee and Mr. B. Sjöholm (Sweden) as Vice-Chairman. The Committee expressed its sincere appreciation to Mr. H. Bardarson (Iceland) who had been chairman of the Sub-Committee on Safety of Fishing Vessels since its inception as the Panel of Stability of Fishing Vessels in 1962, for his excellent services to the Sub-Committee over so many years. The Committee also recorded its appreciation for the services of Mr. Kerlin (United States) who had been Vice-Chairman and acting Chairman of that Sub-Committee in recent years.
- / 8.3 Mr. H. Bardarson outlined the activities of the Sub-Committee on Safety of Fishing Vessels during its existence over 20 years (Annex ...).

Review of the MODU Code

- / 8.4 The Committee considered a proposal from Norway (MSC 46/8/2) that, taking into account the disasters of the mobile hotel platform "ALEXANDER L. KIELLAND", the drilling platform "OCEAN RANGER" and other accidents involving offshore platforms in recent years, the standards of the Code for Mobile Offshore Drilling Units (MODU Code) should be reconsidered.
- / 8.5 Some delegations considered that any decision by the Committee should await receipt and consideration of a full proposal from Norway together with demonstration of compelling need, cost/benefit studies and a work programme.

Other delegations supported Norway's contention that recent disasters clearly indicated the need and the results of investigations already available provided information necessary for the review of strength and design, stability, life-saving appliances and anchorage system provisions.

8.6 The Committee agreed that the Norwegian delegation <sup>could</sup> should prepare proposals for improvements of the MODU Code and submit them directly to the next session of the Sub-Committee on Ship Design and Equipment, which should be the lead sub-committee.

8.7 Delegations were invited to submit any proposals to Norway\* with a copy to the Secretariat. Norway agreed to take all such submissions into account if received before 1 May 1982. *in due course*

#### Ocean data acquisition systems (ODAS)

8.8 The Committee considered a request of the IOC (MSC 46/8/3) for amendment of the recommendations on the identification and marking and lights and signals for ODAS to simplify the identification and lighting provisions and instructed the Sub-Committee on Safety of Navigation to consider this item.

#### Work Programme of the Committee and Sub-Committees

8.9 The Committee considered the report of the Chairmen's meeting in November 1981 (MSC 46/8) and that of the meeting prior to this session on 28 March 1982 (MSC 46/WP.4).

8.10 The Committee reviewed its work programme taking into account the above reports and resolutions A.500(XII) and A.510(XII), together with the recommendations of the MEPC concerning the Sub-Committee on Bulk Chemicals and the sub-committees which met in the intervening period.

8.11 Some delegations considered that sub-committees should not review, alter, amend or update any instrument without permission from the Committee. Before granting permission the Committee should be satisfied that there was a compelling need for the work to be carried out.

8.12 <sup>substantiated that</sup> The view was also expressed that the Committee, in light of the resolutions adopted by the eleventh and twelfth Assemblies, should concentrate on the implementation of existing instruments, directing its efforts towards the exchange of information on technology and maritime training and avoiding frequent amendments of conventions and the introduction of unproved equipment.

\* Mr. E. Jansen, Assistant Director General of Shipping and Navigation, Norwegian Directorate

✓ 8.13 One delegation expressed the view that as now, with some exceptions, no new regulations will be established for some years, an opportunity would be provided to systematically review current provisions which had become imbalanced as a result of the need to respond to several disasters over the previous 15 years. Sub-Committees could, for the next four to five years, identify regulatory areas needing improvement, analyse casualty records, study problems arising in modern ships and analyse the present rules paying particular attention to human factors.

✓ 8.14 The Committee then revised the work programmes of the sub-committees as set forth hereunder.

Sub-Committee on Bulk Chemicals

✓ 8.15 The Committee agreed to the work programme set forth without change.

Sub-Committee on Containers and Cargoes

✓ 8.16 The Committee amended all items commencing with "Matters related to" to read "Implementation and interpretation of".

✓ 8.17 Item 3.1 was amended by substituting "Review and updating of the Code" in place of "Making elements of the Code mandatory".

Sub-Committee on the Carriage of Dangerous Goods

✓ 8.18 The work programme was approved without change.

Sub-Committee on Fire Protection

✓ 8.19 Item 7 was amended to read: "Implementation and interpretation of Chapter II-2 of the 1974 SOLAS Convention - provisions concerning the sounding pipes and requirements for ro/ro spaces".

Sub-Committee on Life-Saving Appliances

✓ 8.20 Item 1 was amended to read: "Implementation and interpretation of existing Chapter III of the 1974 SOLAS Convention and related recommendations" and items 2 and 3 were deleted.

Sub-Committee on Radiocommunications

✓ 8.21 Item 1 was amended by deleting "Matters related to".

✓ 8.22 Item 3 was amended to read: "Planning of the revision of Chapter IV of the 1974 SOLAS Convention".

✓ 8.23 Item 8 was amended to read: "ITU World Administrative Conference matters".

✓ 8.24 Item 9 was amended to read: "CCIR Study Group 8 matters".

✓ 8.25 Item 10 was amended to read: "INMARSAT services".

#### Sub-Committee on Safety of Navigation

✓ 8.26 With regard to matters concerning search and rescue (item 5), the Committee decided to include a sub-item "Plan for provision of maritime search and rescue services". The Committee reiterated its previous instruction to the Sub-Committee (MSC XLIV/21, paragraph 13.61) that work on this subject should be expedited in conformity with the provisions of the 1979 SAR Convention.

✓ 8.27 The Committee agreed to include "Navigating bridge visibility" in its work programme and that work on "International guidelines on bridge design and layout" should be restricted to work related to an ISO document expected to be received in the near future.

#### Sub-Committee on Ship Design and Equipment

8.28 Items 1.3, 1.4, the "reliability and duplication of propulsion systems and rudders" ~~portion of item 2.1.~~ Item 6 was amended to read: Implementation and interpretation of the Code on Noise Levels on board ships.

✓ 8.29 Item 7 was amended by adding "in co-operation with ICAO".

#### Sub-Committee on Stability and Load Lines and on Fishing Vessels

✓ 8.30 Items 4, 5, 6 and 8 should start "Implementation and Interpretation of ...". Item 7 was deleted and "... and related Codes" added to Item 9. A new item under continuous review "Exchange of Information to base the Load Line Convention on Scientific Criteria" was inserted.

#### Sub-Committee on Standards of Training and Watchkeeping

✓ 8.31 The work programme was agreed by the Committee without change.

#### Long-Term Work Programme

✓ 8.32 The Secretariat was requested to prepare a tentative work schedule and meeting plan for the period 1982-1987 for consideration by the meeting of chairmen at its ~~forty-eighth~~ <sup>seventy</sup> session.

8.33 In considering agenda item 7 the Committee agreed to bring forward its forty-seventh session to be held in the week 13-17 September 1982 and to be devoted to the consideration and finalization of the second set of amendments to SOLAS 1974 and also to the consideration and adoption of amendments to the 1966 Load Line Convention.

8.34 The Committee further agreed to hold its forty-eighth session, for two weeks' duration, from 16 to 27 May 1983, with a view to adopting the second set of amendments. At that session the Committee will also deal with its normal business, in particular that related to submissions to the Assembly at its thirteenth session.

8.35 Proposals for the agendas for the forty-seventh and forty-eighth sessions are given at Annex ... [MSC 46/WP.6 as amended].

8.36 The Committee was advised that a meeting of chairmen would be held commencing at 2 p.m. on Sunday, 12 September 1982 at IMCO Headquarters, to prepare recommendations to the Committee on a long-term work programme.

8.37 The Committee <sup>agreed</sup> was also advised that a concurrent meeting would be held of the Joint Ad Hoc Group on Survey and Certification during the forty-seventh session. ~~and~~ *short report to 48 session*

10 MATTERS RELATED TO TONNAGE MEASUREMENT

10.1 Under this agenda item the Committee considered the following:

1. A paper by India (LEG XLVI/6/1) and the outcome of the considerations by the Legal Committee concerning tonnage measurement for the purpose of the 1976 LLMC Convention (MSC 46/10);
2. Calculation of ships tonnage for the purposes of the 1969 Civil Liability Convention and the 1979 Fund Convention (MSC 46/10/1);
3. The Council request for the preparation and circulation by the Committee of a questionnaire on national tonnage calculations (MSC 46/3/1);
4. The request by Egypt for statistical data (MSC 46/WP.3);
5. The request by the Assembly to consider resolution A.492(XII) on the application of the 1969 Convention and to report to the Assembly at its thirteenth session;
6. The request by the Assembly in resolution A.493(XII) to consider the replacement of "tons gross tonnage" in conventions, codes and other documents where appropriate by the term "gross tonnage" as embracing both the 1969 tonnage and national tonnages;

.7 The study for the replacement of the tonnage parameter in the 1974 SOLAS Convention (resolution A.494(XII)) which may be initiated in view of the deadline of 31 December 1986.

✓10.2 The Committee established an ad hoc group to consider the various matters listed above. Having received the report of the ad hoc group (MSC 46/WP.8) the Committee decided as follows.

Measurement of existing ships under the 1969 Tonnage Measurement Convention for the purpose of the Convention on Limitation of Liability for Maritime Claims, 1976

✓10.3 In an Indian paper to the Legal Committee (LEG XLVI/6/1) on the treatment of existing ships not measured under the 1969 Tonnage Measurement Convention, it was argued that there could be a problem if such existing ships were required to be measured in accordance with the 1969 Tonnage Measurement Convention if the need arose under Article 6(5) of the 1976 Limitation Convention bearing in mind that such ships could retain their national tonnage for all other purposes.

✓10.4 The outcome of the discussion of the Indian paper in the Legal Committee at its forty-sixth session (MSC 46/10) was noted in particular that Article 6(5) of the 1976 Limitation Convention provides that the tonnage used for determining ship owners' liability shall be the gross tonnage assessed in accordance with the 1969 TM Convention.

✓10.5 The Committee concurred with the view expressed by the Legal Committee that in the majority of cases tonnage could easily be calculated for existing ships. Although there may be a problem with regard to existing ships which had foundered, the Committee agreed that necessary particulars to enable the tonnage to be calculated should be obtainable from the ship's technical records, including the necessary drawings.

Calculation of ship's tonnage for the purpose of the 1969 Civil Liability Convention and the 1971 Fund Convention

✓10.6 In response to the request by the IOPC Fund (MSC 46/10/1) for consideration of problems which may arise out of the application of Article V.10 of the CLC after the entry into force of the 1969 TM Convention, the Committee agreed as follows:

✓.1 It should be technically possible in all cases to calculate a ship's tonnage in accordance with the first sentence of Article V.10 of the CLC. Although there may be a problem with regard to ships which had foundered, it is considered that necessary particulars to enable the tonnage to be calculated should be obtainable from the ships' technical records, including necessary drawings.

/.2 In view of this positive answer to question 1 of the IOPC Fund, an answer to questions 2 and 3 is not strictly called for. However, it is noted that, although it should be possible to make a calculation in accordance with the second sentence of Article V.10 of the CLC, such a calculation could result in a significantly different tonnage measurement to that derived in accordance with the first sentence.

/.3 Furthermore, as regards question 3, it appears there is no suitable alternative method of calculation, as laid down in Article V.10 of the CLC Convention. However it is unlikely that it would ever be needed.

Tonnage for assessment of IMCO contributions

/10.7 In accordance with the Council request (MSC 46/3/1, paragraph 6) the Committee agreed on a draft MSC circular attached at Annex ... (MSC 46/WP.8, Annex 1) calling upon governments to provide information regarding the principles of their national tonnage measurement systems with particular reference to spaces not included in the gross tonnage.

/10.8 However, <sup>(doubts was)</sup> ~~the Committee expressed doubts~~ as to the value of such information to the Council in helping it to resolve the difficulties in reconciling the differing national tonnage systems in order to arrive at an equitable basis on which to assess IMCO contributions. Spaces likely to be exempted from the gross tonnage by some countries would include water ballast tanks, passenger public rooms and certain 'tween deck spaces. The tonnage of such spaces expressed as a percentage of the gross tonnage can vary widely for ships of different type and size. The overall percentage for the whole fleet of any country could therefore only be calculated after an extensive exercise on a ship to ship basis. The only internationally agreed standard of gross tonnage is the tonnage calculated under the 1969 Tonnage Measurement Convention but it would be out of the question to ask governments to remeasure their existing fleets under the rules of this Convention.

/10.9 The Secretariat was requested to inform the Council accordingly.

Comparison between the 1969 TM tonnage, national tonnage and Suez and Panama Canal tonnages

/10.10 The Committee noted the statement by Egypt (the Suez Canal Authority) (MSC 46/WP.3) in which they outline the difficulty in relating the Suez net tonnage, on which their dues were based, with the gross and net tonnages calculated in accordance with the 1969 TM Convention. At the present time they had only a few samples (about 12 ships) on which to determine conversion factors.

- 10.11 The Suez Canal Authority informed the Committee that it is therefore not able to accept the 1969 tonnages at the present time; much more information is necessary for a variety of ship types to enable them to continue their studies. For this reason they asked that governments might be requested to provide relevant information on the gross and net tonnages calculated in accordance with the 1969 Tonnage Measurement Convention and also in accordance with the Suez Canal rules. The Committee accepted this request and agreed on the circular shown at Annex ...
- 10.12 Several delegations mentioned that in their countries gross tonnage was being used to an increasing extent in preference to net tonnage for the assessment of various dues, including harbour and pilotage dues.
- 10.13 Some delegations felt that the tonnage figures under current national tonnage systems as well as under the 1969 TM Convention would be of interest to the Organization, maritime authorities and the marine community in general. Accordingly, the Committee adopted the questionnaire set out at Annex ... (MSC 46/WP.8, Annex 3).
- 10.14 The Secretariat was requested to circulate the questionnaire, with the request that it should be returned completed with as much information as possible. When additional calculations are made information should be forwarded subsequently to the Secretariat. The Secretariat was requested to collate the information and circulate it to Member Governments.

Use of tonnage as a regulatory criterion for the SOLAS and other Conventions

- 10.15 The Committee recalled that the matter had previously been considered both in the Committee and in various sub-committees and that the general view then expressed was that no alternative parameter to gross tonnage could be found. It was noted, however, that the other parameters such as length of the ship and deadweight are used in the new Chapter III and other chapters of the 1974 SOLAS Convention, in the 1966 Load Line Convention, and in the 1977 Torremolinos Convention and in the MARPOL Convention.
- 10.16 The Committee noted that resolution A.494(XII) requests a complete and thorough analysis of the continued use of tonnage as a regulatory criterion in the SOLAS and other conventions which should be completed not later than 31 December 1986 and agreed that the only effective way to achieve this goal was through a special working group of the Committee comprising appropriate experts in safety matters rather than in tonnage measurement. As the whole matter is of fundamental importance to the safety requirements in the various conventions and urgent consideration was necessary, the Committee agreed that such an ad hoc group should meet during the forty ~~eight~~ <sup>nine</sup> session.

10.17 Members were invited to submit proposals by 1 January 1983 for parameters which may be used to replace tonnage. The Secretariat was requested to prepare a list of previous documents relevant to the subject.

Replacement of the term "tons gross tonnage" by "gross tonnage" and Application of the Tonnage Parameter in non-IMCO Conventions

10.18 The Committee recalled resolution A.493(XII) in which IMCO bodies were requested to consider, when appropriate, the replacement of the term "tons gross tonnage" by "gross tonnage".

10.19 The Committee decided that the new term should be used in the second set of amendments to SOLAS and in the IBC and IGC Codes and any other future documents.

10.20 The Committee also requested the Secretariat to inform the ILO and other organizations concerned of the content of resolution A.493(XII). The ILO and other organizations which use tonnage as a parameter should also be informed of the revised interim scheme for tonnage measurement of certain ships (resolution A.494(XII)).

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